

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

MAR 8 2018

Clerk of Court

United States of America

v.

Gonzalo COLUGNA-Garcia, YOB: 1983 COB: Mexico
Gustavo LOZANO, YOB: 1987 COB: USA

Case No.

M-18-0503-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 06, 2018 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. § 846
21 U.S.C. § 841

Conspiracy to Possess and Possession with Intent to Distribute Heroin.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.

Approved,
jk

Jesus R. Cuellar

Complainant's signature

Jesus R. Cuellar, U.S., HSI TFO

Printed name and title

Sworn to before me and signed in my presence.

Date: 3/8/2018City and state: McAllen, Texas

J. Scott Hacker

Judge's signature

U.S. Magistrate J. Scott Hacker
Printed name and title

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ATTACHMENT A

On March 06, 2018, an HSI McAllen TFO (Agent) observed a Ford Flare Side (MM: WM79337), traveling north bound on Ware Road in McAllen, Texas. The driver of the vehicle was identified as COLUGNA-Garcia and the passenger was identified as Gustavo LOZANO.

Agents followed the Ford Flare Side being driven by COLUGNA travel to the Denny's restaurant on 10th Street in McAllen, TX. Agents observed COLUGNA exit the Ford Flare Side and enter the restaurant while LOZANO remained in the Ford Flare Side. After approximately five minutes, an agent observed COLUGNA exit the restaurant and meet back with LOZANO at the Ford Flare Side. After a short discussion, an agent observed COLUGNA depart the area to an unknown location. Additionally, the agent observed LOZANO move to the driver's seat of the Ford Flare Side. The agent observed LOZANO depart the parking lot in the Ford Flare Side and continued surveillance on the Ford Flare Side. As the Ford Flare Side traveled southbound on 10th Street, the agent observed COLUGNA driving a silver Ford 150 pickup in close proximity to the Ford Flare Side. Both vehicles were observed traveling in tandem to a residence in McAllen, Texas.

Agents observed the silver Ford F-150, later to be determined as a rental vehicle, back into the garage of the residence located at 3125 Vanessa Street. After the pickup was in the garage, the garage door closed. A short time later, the garage door opened and the silver Ford F-150 (TX: JRC0094) exited the garage.

Surveillance was maintained on both the Ford Flare Side and the silver F150 as they traveled northbound on 10th Street. The Ford Flare Side being driven by LOZANO was seen entering the parking lot of the same Denny's restaurant and the silver F150 continued northbound.

A traffic stop was conducted on the silver F150 being driven by COLUGNA. During the stop, COLUGNA denied having been at the residence on Vanessa Street. After COLUGNA consented to a search of the vehicle, a narcotics detection canine alerted to the vehicle during a non-intrusive search.

While the traffic stop was being conducted on the silver F150, agents continued

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surveillance on LOZANO in the Ford Flare Side. Agents observed that LOZANO never entered the restaurant. After approximately fifteen minutes, LOZANO departed the parking lot and drove across the street to another parking lot. Again, LOZANO did not exit the Ford Flare Side. After approximately five minutes, LOZANO departed the parking lot and drove to a convenience store at which time agents approached LOZANO.

During the interview, LOZANO stated LOZANO and COLUGNA had left the residence on Vanessa Street, and that LOZANO was looking for COLUGNA. LOZANO stated that while COLUGNA and he were at the residence, he observed COLUGNA off load plastic bags from the F150, which LOZANO suspected contained "something illegal." Further, LOZANO provided the address for the residence in McAllen, Texas, and stated that other individuals had rented the residence on behalf of LOZANO for LOZANO's use. Additionally, LOZANO stated that the utilities at that residence were in LOZANO's name.

Agents transported LOZANO and COLUGNA back to the residence on Vanessa Street. While at the residence, LOZANO consented to a search of the residence and provided agents with the key for the residence.

A subsequent search of the residence resulted in the discovery of two bundles containing approximately 2.12 kilograms of heroin, four bundles of bulk currency and various materials often use to wrap narcotics and currency. The bundles of heroin were located in plastic bags in an utility room.

During an interview, COLUGNA stated that LOZANO had asked him to pick up the truck so that a stereo could be installed. COLUGNA stated that he entered the Denny's restaurant to use the bathroom, and after departing the restaurant, LOZANO told him to retrieve the F150. He further stated that the keys were already in the F150. After departing the Denny's parking lot, they traveled to the residence on Vanessa Street. COLUGNA stated that while at the residence he went to bathroom again and remained in the bathroom the entire time he was at the residence.

LOZANO was advised of his rights and stated he would not answer any questions without the presence of an attorney.

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On March 7, 2018, a narcotics detection canine again alerted to the dash board area of the F150, and a subsequent search of the vehicle resulted in the discovery of approximately 4.16 kilograms of heroin in the dash board of the vehicle.

Agents also searched phones found in the possession of COLUGNA. The search identified messages between COLUGNA and LOZANO which were sent during the traffic stop on March 6, 2018 in which LOZANO was instructing COLUGNA to inform the officer that the F150 was a rental vehicle, and that another individual would call COLUGNA momentarily in regards to the insurance documentation.